

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4603–4705

Measures Introduced: Twenty-four bills and four resolutions were introduced, as follows: S. 871–894, S. Res. 111–113, and S. Con. Res. 19.

Pages S4669–70

Measures Reported:

Special Report entitled “Report on the Resolution (S. Res. 73) Authorizing Expenditures by Committees of the Senate”. (S. Rept. No. 111–14)

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Measures Passed:

National Adopt A Library Day: Senate agreed to S. Res. 113, designating April 23, 2009, as “National Adopt A Library Day”. **Pages S4704–05**

Authorizing the Use of Emancipation Hall in the Capitol Visitor Center: Senate agreed to H. Con. Res. 86, authorizing the use of Emancipation Hall in the Capitol Visitor Center for the unveiling of a bust of Sojourner Truth. **Page S4705**

Acceptance of a Statue of Ronald Wilson Reagan: Senate agreed to H. Con. Res. 101, providing for the acceptance of a statue of Ronald Wilson Reagan from the people of California for placement in the United States Capitol. **Page S4705**

Measures Considered:

Fraud Enforcement and Recovery Act—Agreement: Senate continued consideration of S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, taking action on the following amendments proposed thereto:

Page S4604–4641, S4657

Adopted:

Schumer Amendment No. 1006, to provide additional funding to the SEC to use in enforcement proceedings. **Pages S4614–15, S4621**

Rejected:

By 31 yeas to 61 nays (Vote No. 162), Kyl Amendment No. 986, to limit the amount that may be deducted from proceeds due to the United States

under the False Claims Act for purposes of compensating private intervenors to the greater of \$50,000,000 or 300 percent of the expenses and cost of the intervenor. **Pages S4604, S4609–11, S4617**

Pending:

Reid Amendment No. 984, to increase funding for certain HUD programs to assist individuals to better withstand the current mortgage crisis.

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Inhofe Amendment No. 996 (to Amendment No. 984), to amend title 4, United States Code, to declare English as the national language of the Government of the United States. **Page S4604**

Vitter Amendment No. 991, to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

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Boxer Modified Amendment No. 1000, to authorize monies for the Special Inspector General for the Troubled Asset Relief Program to audit and investigate recipients of non-recourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility. **Pages S4604, S4616–17, S4631**

Coburn Amendment No. 982, to authorize the use of TARP funds to cover the costs of the bill.

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Thune Amendment No. 1002, to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction. **Pages S4605–07**

DeMint Amendment No. 994, to prohibit the use of Troubled Asset Relief Program funds for the purchase of common stock. **Pages S4607–08**

Coburn Amendment No. 983, to require the Inspector General of the Federal Housing Finance Agency to investigate and report on the activities of Fannie Mae and Freddie Mac that may have contributed to the current mortgage crisis. **Pages S4608–09**

Kohl Amendment No. 990, to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security. **Pages S4611–14**

Ensign Amendment No. 1004, to impose certain requirements on public-private investment fund programs. **Pages S4615–16**

Ensign Amendment No. 1003 (to Amendment No. 1000), to impose certain requirements on public-private investment fund programs. **Pages S4616–17**

Hatch Amendment No. 1007, to prohibit the Department of Labor from expending Federal funds to withdraw a rule pertaining to the filing by labor organizations of an annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959. **Pages S4620–21**

A motion was entered to close further debate on the committee substitute amendment, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, April 23, 2009, a vote on cloture will occur at 5:30 p.m., on Monday, April 27, 2009, and that if cloture is invoked, all post-cloture time be yielded back and any pending germane amendments be disposed of, and the substitute amendment, as amended, be agreed to; provided that Senate vote on passage of the bill at 12:00 p.m., on Tuesday, April 28, 2009, notwithstanding Rule XII, paragraph 4, without further intervening action or debate; provided further, that at 4:30 p.m., on Monday, April 27, 2009, there be 60 minutes of debate prior to the vote on the motion to invoke cloture on the committee substitute amendment, equally divided and controlled between the two Leaders, or their designees. **Page S4657**

House Messages:

Budget Resolution—Motions To Instruct Conferees: Senate began consideration of the amendment of the House of Representatives to S. Con. Res. 13, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014, disagreed to the amendment of the House, agreed to the request for a conference with the House, agreed to the motion to authorize the Chair to appoint conferees, after taking action on the following motions to instruct conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution to be instructed to insist on the inclusion in the final conference report the following motions proposed thereto: **Pages S4641–57**

Adopted:

By 57 yeas to 37 nays (Vote No. 163), Conrad (for Stabenow) Motion to Instruct Conferees to insist that the final conference report include a Deficit-Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment (as provided in section 202 (b) of S. Con. Res. 13, as passed by the Senate. **Pages S4653–54**

By 66 yeas to 28 nays (Vote No. 164), Gregg (for Johanns) Motion to Instruct Conferees to insist that if the final conference report includes a Deficit-Neutral Reserve Fund to Invest in Clean Energy and Preserve the Environment and Climate Change Legislation similar to section 202 of S. Con. Res. 13, as passed by the Senate, then that Deficit-Neutral Reserve Fund shall also include the language contained in section 202 (c) of S. Con. Res. 13, as passed by the Senate. **Pages S4652, S4654**

Gregg (for Ensign) Motion to Instruct Conferees to insist that the final conference report include the point of order against legislation that raises taxes directly or indirectly on middle-income taxpayers (single individuals with \$200,000 or less in adjusted gross income or married couples filing jointly with \$250,000 or less in adjusted gross income) as contained in section 306 of the concurrent resolution, as passed by the Senate. **Pages S4652, S4655**

By 84 yeas to 9 nays (Vote No. 167), Cornyn Motion to Instruct Conferees to insist on the inclusion in the final conference report of the point of order against legislation that raises Federal income taxes on small businesses as contained in section 307 of the concurrent resolution, as passed by the Senate. **Pages S4651, S4655–56**

Alexander Motion to Instruct Conferees to insist that the final conference report include the Senate position maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services, as contained in section 203 of S. Con. Res. 13, as passed by the Senate. **Pages S4646–47, S4656**

Coburn Motion to Instruct Conferees to insist that the final conference report include a reserve fund that promotes legislation that achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending, as set forth in Section 224 of S. Con. Res. 13. **Pages S4648, S4656**

By 79 yeas to 14 nays (Vote No. 168), DeMint Motion to Instruct Conferees to insist that the final conference report shall include a point of order against legislation that eliminates the ability of Americans to keep their health plan and eliminates the ability of Americans to choose their doctor, as contained in section 316 of the concurrent resolution, as passed by the Senate, and insist further that an additional condition be added providing such legislation shall not decrease the number of Americans enrolled in private health insurance, while increasing the number of Americans enrolled in government-managed, rationed health care. **Pages S4648–50, S4656**

By 63 yeas to 30 nays (Vote No. 169), Vitter Motion to Instruct Conferees to insist that if the final

conference report includes any reserve funds involving energy and the environment, that such sections shall include the requirements included in section 202(a) of the Senate-passed resolution to require that such legislation would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses.

Pages S4647–48, S4657

Rejected:

By 40 yeas to 54 nays (Vote No. 165), Gregg Motion to Instruct Conferees to insist that the final conference report limit the increase in public debt for the period of 2009 through 2019 to an amount no greater than the amount of public debt accumulated from 1789 to January 20, 2009.

Pages S4650–51, S4654

By 38 yeas to 56 nays (Vote No. 166), Sessions Motion to Instruct Conferees to insist that the final conference report shall freeze non-defense and non-veterans funding for 2 years, and limit the growth of non-defense and non-veterans funding to 1% annually for fiscal years 2012, 2013 and 2014.

Pages S4643, S4655

The Chair was authorized to appoint the following conferees on the part of the Senate: Senators Conrad, Murray, and Gregg.

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Appointments:

Senate National Security Working Group: The Chair, on behalf of the Republican Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), appointed the following Senators as members of the Senate National Security Working Group for the 111th Congress:

Senators McCain and Risch.

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National Museum of the American Latino: The Chair announced, on behalf of the Republican Leader, pursuant to P.L. 110–229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino:

Eduardo Padron of Florida, Sean D. Reyes of Utah, and Ellie Lopez-Bowlan of Nevada. **Page S4705**

Sebelius Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 10:00 a.m., on Tuesday, April 28, 2009, Senate begin consideration of the nomination of Kathleen Sebelius, to be Secretary of Health and Human Services; provided that there be 8 hours of debate with respect to the nomination, with the time equally divided and controlled between the two Leaders, or their designees; that upon the use or yielding back of time, Senate vote on confirmation of the nomination, and that confirmation be subject to a 60-vote affirmative threshold.

Pages S4657–58

Nomination Confirmed: Senate confirmed the following nomination:

Ashton B. Carter, of Massachusetts, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Pages S4658, S4705

Nominations Received: Senate received the following nominations:

Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.

Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

Rajiv J. Shah, of Washington, to be Under Secretary of Agriculture for Research, Education, and Economics.

3 Air Force nominations in the rank of general.

7 Navy nominations in the rank of admiral.

10 Marine Corps nominations in the rank of general.

A routine list in the Army.

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Messages from the House:

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Measures Referred:

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Measures Placed on the Calendar:

Page S4603, S4688

Executive Reports of Committees:

Pages S4668–69

Additional Cosponsors:

Pages S4670–71

Statements on Introduced Bills/Resolutions:

Pages S4671–99

Additional Statements:

Pages S4666–68

Amendments Submitted:

Pages S4699–S4704

Notices of Hearings/Meetings:

Page S4704

Authorities for Committees to Meet:

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Record Votes: Eight record votes were taken today. (Total—169)

Pages S4617, S4653–57

Adjournment: Senate convened at 9:31 a.m. and adjourned at 10 p.m., until 11 a.m. on Friday, April 24, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4705.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Department of Commerce, after receiving testimony from Gary Locke, Secretary of Commerce.

APPROPRIATIONS: SECRETARY OF THE SENATE, SENATE SERGEANT AT ARMS, U.S. CAPITOL POLICE

Committee on Appropriations: Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Office of the Secretary of the Senate, the Office of the Sergeant at Arms, and the Office of the United States Capitol Police, after receiving testimony from Nancy Erickson, Secretary of the Senate; Terrance W. Gainer, Sergeant at Arms and Doorkeeper of the Senate; and Phillip D. Morse, Sr., Chief of Police, United States Capitol Police.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Ronald C. Sims, of Washington, to be Deputy Secretary, who was introduced by Senators Murray and Cantwell, Peter A. Kovar, of Maryland, to be Assistant Secretary for Congressional and Intergovernmental Affairs, who was introduced by Representative Frank, Helen R. Kanovsky, of Maryland, to be General Counsel, David H. Stevens, of Virginia, to be Assistant Secretary for Housing-Federal Housing Commission, and John D. Trasvina, of California, to be Assistant Secretary for Fair Housing and Equal Opportunity, who was introduced by Representative Schiff, all of the Department of Housing and Urban Development, David S. Cohen, of Maryland, to be Assistant Secretary of the Treasury for Terrorist Financing, and Fred P. Hochberg, of New York, to be President of the Export-Import Bank of the United States, who was introduced by Senator Schumer, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Sherburne B. Abbott, of Texas, to be Associate Director of the Office of Science and Technology Policy, Executive Office of the President, Peter H. Appel, of Virginia, to be Administrator of

the Research and Innovative Technology Administration, Dana G. Gresham, of the District of Columbia, to be Assistant Secretary for Government Affairs, Roy W. Kienitz, of Pennsylvania, to be Under Secretary for Policy, Joseph C. Szabo, of Illinois, to be Administrator of the Federal Railroad Administration, and Robert S. Rivkin, of Illinois, to be General Counsel, all of the Department of Transportation, April S. Boyd, of the District of Columbia, to be Assistant Secretary for Legislative and Intergovernmental Affairs, and Cameron F. Kerry, of Massachusetts, to be General Counsel, both of the Department of Commerce, and routine lists in the United States Coast Guard.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Kristina M. Johnson, of Maryland, to be Under Secretary, Steven Elliot Koonin, of California, to be Under Secretary for Science, Ines R. Triay, of New Mexico, to be Assistant Secretary for Environmental Management, who was introduced by Senator Udall (NM), and Scott Blake Harris, of Virginia, to be General Counsel, all of the Department of Energy, and Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior, who was introduced by Senator Udall (NM), after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

TECHNOLOGY NEUTRALITY IN ENERGY TAX

Committee on Finance: Committee concluded a hearing to examine technology neutrality in energy tax, focusing on issues and options, after receiving testimony from David L. Greene, Oak Ridge National Laboratory, Department of Energy, Knoxville, Tennessee; Gilbert E. Metcalf, Tufts University, Medford, Massachusetts; and John M. Urbanchuk, LECG LLC, Wayne, Pennsylvania.

AFGHAN WAR SOLDIERS' STORIES

Committee on Foreign Relations: Committee concluded a hearing to examine soldiers' stories from the Afghan war, after receiving testimony from Andrew J. Bacevich, Boston University, Boston, Massachusetts; Genevieve Chase, Alexandria, Virginia; Christopher McGurk, New York, New York; Westley Moore,